



AFB  
ZFW

PTO/SB/33 (07-05)

United States Patent & Trademark Office; U.S. DEPARTMENT OF COMMERCE

<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>	Docket Number (Optional) 59864.00217
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]  on _____  Signature _____  Typed or printed Name _____	Application Number:  09/966,462
	Filed: September 28, 2001
	First Named Inventor:  David LEON
	Art Unit: 2154  Examiner: Viet Duy VU

**Mail Stop AF**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

- ☐ Applicant/Inventor.  
☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under  
37 CFR 3.73(b) is enclosed

☒ Attorney or agent of record.  
Registration No. 58,178

☐ Attorney or agent acting under 37 CFR 1.34.  
Reg. No. is acting under 37 CFR 1.34 \_\_\_\_\_

Peter Flangan  
Signature

Peter Flangan  
Typed or printed name

703-720-7800  
Telephone number

June 13, 2006  
Date

NOTE: Signatures of all of the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.



## PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Confirmation No.: 6469

David LEON et al.

Art Unit: 2154

Application No.: 09/966,462

Examiner: Viet Duy VU

Filed: September 28, 2001

Attorney Dkt. No.: 59864.00217

For: METHOD AND APPARATUS FOR COMPRESSING A STREAM

### **PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

June 13, 2006

This is a Pre-Appeal Brief Request for Review from the final rejection set forth in an Office Action dated March 13, 2006, ("the Office Action"), and as maintained without explanation by an Advisory Action of May 11, 2006, ("the Advisory Action"), finally rejecting claims 1, 4-7, 12-13, 25, 28-31, and 36-37 and objecting to claims 8-11, 15-24, 32-35, and 39-48 as being dependent on rejected base claims. Applicants respectfully submit that there is clear factual error with regard to the respective rejection or objection of each of the pending claims. Claims 1-48 are currently pending, of which claims 1 and 25 are independent.

#### **Clear Error Regarding "Acquiring a Pattern at the Compressor"**

Claims 1 and 25 recite "acquiring a pattern at the compressor." The rejection of

claims 1 and 25, set forth in the Office Action at page 2, contains clear factual error, because it erroneously asserted that Dorward, at column 6, lines 41-64, discloses this feature. Dorward shows no such thing.

The cited passage of Dorward contains no mention of acquiring any kind of pattern. The word “pattern” is not even used, nor is the word “acquire” used in any form. Instead, Dorward indicates that an input data stream is received, and successfully received packets are examined to determine their history state. Dorward explicitly states that the history state of the packets is “a function of the acknowledgment vector.”

As explained in detail in the response filed April 26, 2006, (“the Response”) at pages 4-5, Dorward does not acquire a pattern, and does not need to acquire a pattern because Dorward is able to identify history state of the packets by examining the acknowledgement vector associated with each one. Accordingly, not only is there no disclosure by Dorward of “acquiring a pattern at the compressor” there is no reason to modify Dorward to include such a feature.

#### **Clear Error Regarding “By Determining a Function According to a Stream”**

The rejection also contains clear error with regard to “by determining a function according to a stream” as recited by claims 1 and 25. The Office Action erroneously asserted that column 6, lines 41-64 also disclosed this feature of the claimed invention.

The cited passage, however, does not disclose or suggest determining a function according to a stream. Even assuming that “history state” corresponds to the claimed

“function” (not admitted), the history state of Dorward is not determined “according to a stream” but according to an acknowledgement vector contained in a successfully received packet. Again, there is no reason to modify Dorward to determine “a function according to a stream” because the acknowledgement vector for each packet provides its history state.

**Clear Error Regarding “Making Sure a Decompressor is Synchronized with the Compressor according to the Pattern”**

Claims 1 and 25 recite “making sure a decompressor is synchronized with the compressor according to the pattern.” The rejection of claims 1 and 25 contains clear error, because the rejection erroneously asserted that column 7, lines 22-37 of Dorward discloses this feature. Dorward discloses no such thing.

The cited passage does not describe making sure that a decompressor is synchronized with a compressor, nor does the cited passage describe doing so according to a pattern. The words “synchronize” and “pattern” do not even appear in the cited passage in any form. Instead, the passage refers to the procedure of including an acknowledgement vector and/or sequence number in the header of a packet.

The disclosure of sending an acknowledgement vector and/or sequence number in the header of a packet cannot reasonably be viewed as being sufficient to anticipate “making sure a decompressor is synchronized with the compressor.” Even assuming, however, that it were sufficient for that purpose, it surely does not disclose or suggest the further limitation “according to the pattern.” As noted in the Response at page 5, lines 5-7,

Dorward does not acquire a pattern based on anything. Dorward is not interested in patterns – Dorward is interested in history-based compression. Accordingly, Dorward has no motivation to look for, much less acquire, patterns.

**Clear Error Regarding “Sending a Compressed Packet According to the Pattern”**

Claims 1 and 25 recite “sending a compressed packet according to the pattern.” The rejection of claims 1 and 25 contains clear error, because the rejection erroneously asserted that column 7, lines 46-54 of Dorward discloses this feature. Dorward discloses no such feature.

The cited passage, like the two previously cited passages, does not describe performing any operation “according to [a] pattern.” Even assuming the cited passage disclosed “sending a compressed packet” (not admitted), the cited passage certainly does not disclose doing so according to a pattern.


Moreover, in the clearly erroneous analysis of “acquiring a pattern at the compressor” the Office Action took the position that such a feature was disclosed by column 6, lines 41-64, which discusses the “acknowledgement vector” but not the “sequence number” of the packet. In the rejection of this feature, however, the Office Action cited a portion that discusses only the “sequence number” and not the “acknowledgement vector.” The second passage that the Office Action cited, column 7, lines 22-37 clearly shows that the acknowledgement vector and the sequence number are two distinct items. Accordingly, even if the clearly erroneous analysis of “acquiring a

pattern at the compressor” were right (not admitted), the analysis of “sending a compressed packet according to the pattern” must clearly be erroneous, because the word “the” precedes the word “pattern,” which requires the pattern to be the same pattern previously discussed, and not a separate and distinct pattern.

### **Conclusion**

As can be seen from the above brief discussion and the detailed discussion in the Response, the rejection of claims 1 and 25 contains clear factual error. Dorward does not teach all of the elements of any of the claims. The deficiencies of Dorward discussed above are not remedied by Chuah, which the Office Action cited for other reasons with regard to certain of the dependent claims. Claims 2-24 and 26-48 depend from claims 1 and 25 respectively and recite additional limitations. Accordingly, it is respectfully submitted that each of claims 1-48 recites subject matter that is not taught in Dorward, Chuah, or the combination thereof. Accordingly, it is respectfully requested that the rejection of claims 1-48 be reversed, and that this application be passed to issue.

Respectfully submitted,

  
Peter Flanagan  
Registration No. 58,178

Customer No. 32294  
Squire, Sanders & Dempsey L.L.P.  
8000 Towers Crescent Drive, 14<sup>th</sup> Floor  
Tysons Corner, VA 22182-2700  
Tel: (703) 720-7800  
Fax (703) 720-7802  
PCF:kmp